

[4910-13-U]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39 [61 FR 29468 NO. 113 06/11/96]

[Docket No. 95-CE-14-AD; Amendment 39-9666; AD 96-12-23]

RIN 2120-AA64

Airworthiness Directives; Cessna Aircraft Company 150 and A150 Series and Models 152 and A152 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Cessna Aircraft Company (Cessna) 150 and A150 series and Models 152 and A152 airplanes that have a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit incorporated in accordance with Supplemental Type Certificate (STC) SA1371SW. This action requires measuring the wing stall fence for maximum height, and installing a smaller fence if the fence exceeds the maximum height of 1.28 inches. An accident of a Cessna Model 152 airplane where the STOL kit adversely affected the airplane's stall characteristics prompted this action. The actions specified by this AD are intended to prevent the airplane from entering a stall condition because of improper wing stall fence height, which could result in loss of control of the airplane.

EFFECTIVE DATE: July 31, 1996.

ADDRESSES: Figure 1 of the proposed AD may be obtained from the Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; and may be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-14-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4122; facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Cessna 150 and A150 series and Models 152 and A152 airplanes that have a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit incorporated in accordance with Supplemental Type Certificate (STC) SA1371SW was published in the Federal Register on July 12, 1995 (60 FR 35873). The action proposed to require measuring the wing stall fence for maximum height, and installing a smaller fence if the fence exceeds the maximum height of 1.28 inches. Figure 1 of the proposal includes information for inspecting the stall fence height. An accident of a Cessna Model 152 airplane where the STOL kit adversely affected the airplane's stall characteristics prompted the proposal.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Comment Resolution

Cessna states that the AD should be written against Bush Conversions, Inc., instead of the Cessna Aircraft Company. Cessna believes this because Bush Conversions, Inc., is the owner of the STC that the STOL kit is incorporated in accordance with and Cessna has no approval on the components that are affected by the proposal. The FAA partially concurs. While Cessna does not hold approval for the STC, the STC was approved to only be incorporated on Cessna 150 and A150 series and Models 150 and A150 airplanes; therefore, the unsafe condition can only exist on these airplanes. Because the unsafe condition referenced by the proposal can only exist on those affected Cessna models that have the referenced STC incorporated, the AD is written

against Cessna 150 and A150 series and Models 152 and A152 airplanes that have a Bush Conversions, Inc. STOL kit incorporated in accordance with STC SA1371SW.

Another commenter opposes the proposal because of no adverse personal service experience. This commenter states that he has in excess of 1,500 hours time-in-service of flight instruction in a Cessna 150 with the affected Bush Conversions, Inc. STOL kit incorporated, and he has had no adverse service experience during this time. The FAA does not concur that the proposal should be withdrawn based on this commenter's extensive safe service experience. The FAA does not issue AD's based on whether the unsafe condition currently exists on all airplanes, but rather on when a condition "could exist or develop on an airplane of the same type design." In addition, the FAA found that the commenter's airplane has a different Bush STC incorporated than that affected by the proposal. No changes have been made to the final rule as a result of this comment.

No comments were received regarding the FAA's determination of the cost impact on the public.

#### Conclusion

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

#### Cost Impact

The FAA estimates that 25 of the Cessna 150 and A150 series and Models 152 and A152 airplanes in the U.S. registry incorporate the affected Bush Conversions, Inc. STOL kit, that it will take approximately 8 workhours per airplane to inspect the stall fences, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$12,000. This figure is based upon the assumption that no affected airplane owner/operator has inspected the STOL fence for correct height. The FAA has no way of determining how many owners/operators of the affected airplanes have accomplished the required inspection.

#### Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39 - AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

#### Section 39.13 - [AMENDED]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

96-12-23 THE CESSNA AIRCRAFT COMPANY : Amendment 39-9666; Docket No. 95-CE-14-AD.

Applicability: The following airplane models (all serial numbers), certificated in any category, that have a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit incorporated in accordance with Supplemental Type Certificate (STC) SA1371SW:

150	150A	150B
150C	150D	150E
150F	150G	150H
150J	150K	A150K
150L	A150L	150M
A150M	152	A152

NOTE 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the airplane operator from entering a stall condition because of improper wing stall fence height, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Measure the height of the wing stall fence at its trailing edge to ensure that the height does not exceed 1.28 inches. (See Figure 1 of this AD).

(b) If the wing stall fence height exceeds 1.28 inches, prior to further flight, install a smaller fence in accordance with instructions obtained from the Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209.

NOTE 2: Mid-America Drawing No. 1001 (part of STC SA1371SW) is included as Figure 1 of this AD for reference purposes.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita ACO, 801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

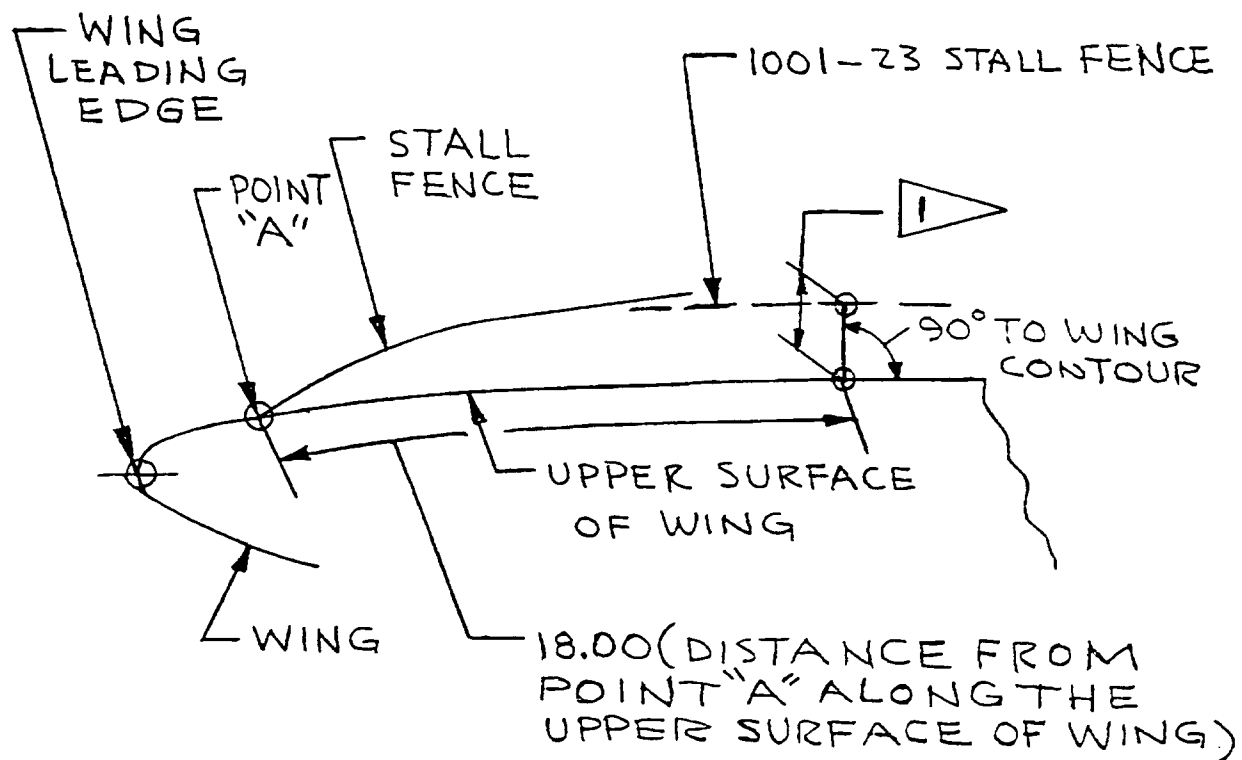
NOTE 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) Figure 1 of this AD may be obtained from the Wichita ACO at the address specified in paragraph (d) of this AD; and may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment becomes effective on July 31, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4122; facsimile (316) 946-4407.



1 IF STALL FENCE IS  $1.16 \pm .12$  HIGH THAT IS CORRECT HEIGHT FOR CESSNA 150/152. IF GREATER THAN 1.28 HIGH REMOVE STALL FENCES AND INSTALL THE CORRECT ONE.

FIGURE 1  
MID-AMERICA DWG NO. 1001  
(STC SA1371SW)

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